

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MARCELLUS GILREATH,)	CASE NO.: 1:23-cv-720
Plaintiff,)	
vs.)	JUDGE: DAN AARON POLSTER
PAMELA MCGUINEA, et al.)	
Defendants.)	
)	
)	

**DEFENDANTS CUYAHOGA COUNTY AND PAMELA MCGUINEA'S
MOTION TO DISMISS**

Now come Defendants Pamela McGuinea and Cuyahoga County and respectfully move the Court to dismiss the complaint filed by Plaintiff Marcellus Gilreath pursuant to Fed.R.Civ.P. 12(b)(6).

The Complaint fails to state a claim upon which relief can be granted. In the alternative, McGuinea is entitled to absolute, qualified or state-law immunity with respect to all of Plaintiff's claims asserted here.

A Memorandum in Support follows.

Respectfully submitted,

MICHAEL C. O'MALLEY, Prosecuting Attorney
of Cuyahoga County, Ohio

By: /s/ Michael J. Stewart

Michael J. Stewart (0082257)

mjstewart@prosecutor.cuyahogacounty.us

(216) 443-6673

Jake A. Elliott (0093521)

jelliott@prosecutor.cuyahogacounty.us

(216) 443-5756

CUYAHOGA COUNTY PROSECUTOR'S OFFICE

The Justice Center, Courts Tower

1200 Ontario Street, 8th Floor

Cleveland, OH 44113

Fax: (216) 443-7602

*Attorneys for Defendants Cuyahoga County
and Pamela McGuinea*

CERTIFICATE OF SERVICE

I certify that on July 25, 2023 a copy of the *Motion to Dismiss* was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Michael J. Stewart

MICHAEL J. STEWART (0082257)

Assistant Prosecuting Attorney